

1
2
3
4
5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA
7
8 JEFF POKORNY, LARRY BLENN, and) Case No. 07-0201-SC
9 KENNETH BUSIERE, on behalf of)
themselves and those similarly) ORDER GRANTING MOTION FOR
situuated,) APPROVAL OF REMINDER NOTICE
10)
11 Plaintiffs,)
12)
13 v.)
14 QUIXTAR INC., et al.,)
15 Defendants.)

16 This Order assumes familiarity with the facts and procedural
17 posture of this putative class action, which has been preliminarily
18 approved for settlement. ECF No. 216. Plaintiffs Jeff Pokorny,
19 Larry Blenn, and Kenneth Busiere ("Plaintiffs") seek the Court's
20 leave to send, via email, a notice that reminds class members that
21 their deadline to file claims is approaching. ECF Nos. 228
22 ("Reminder Mot."); 228-1 ("Reminder Email"). The Court previously
23 set this matter for hearing on August 31, 2012. Reminder Mot. at
24 1. Because the deadline is August 17, id. at 2, Plaintiffs sought
25 and received leave for an expedited hearing, which is scheduled for
26 July 27, 2012. ECF No. 230.

27 On July 20, Defendants filed a response to the Reminder Motion
28 in which they declined to oppose the motion and "defer[red] to the

1 Court's judgment as to whether a reminder notice is appropriate."
2 ECF No. 231 at 2. The Court determines that it is. The Court
3 acknowledges Defendant's statement that 98 percent of class members
4 have already been contacted either through email or postcard, id.,
5 but the Court is also cognizant that this contact occurred in mid-
6 April, nearly four months before the deadline, Reminder Mot. at 1.
7 Common sense suggests that a reminder notice received weeks before
8 the deadline will spur potential claimants to exercise their rights
9 under the settlement more effectively than a notice delivered
10 months beforehand. Furthermore, a reminder is particularly
11 appropriate in light of the proportionally minimal expense
12 involved. The class administrator estimates that sending the
13 reminder emails will cost \$22,000. Reminder Mot. at 2. This sum
14 is de minimis in the context of an eight-figure settlement such as
15 this.

16 Because the Reminder Motion is unopposed, the Court, having
17 reviewed the papers and for good cause shown, GRANTS the Reminder
18 Motion. The hearing set for July 27, 2012, is VACATED.

19
20 IT IS SO ORDERED.

21
22 Dated: July 20, 2012


23 UNITED STATES DISTRICT JUDGE
24
25
26
27
28